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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA RAY FISHER,

Defendant.

Case No.: 2:17-cr-00073-APG-EJY

**MOTION FOR EXTENSION OF
TIME TO RESPOND TO
DEFENDANT'S MOTION UNDER
28 U.S.C. § 2255 TO VACATE, SET
ASIDE, OR CORRECT SENTENCE
[ECF No. 251]
(Third Request)**

Pursuant to Local Rule IA 6-1, the United States submits this third motion for extension of time to file the government's response to Defendant Joshua Fisher's motion under 28 U.S.C. § 2255 (ECF No. 251). The response is presently due on June 5, 2024, per this Court's order dated February 6, 2024. ECF No. 261. The United States respectfully requests a **3-day extension of time, to and including June 10, 2024**, to respond to Fisher's motion to vacate his sentence. In support of this request, undersigned counsel states the following:

1. On November 22, 2023, Fisher filed a motion to vacate sentence under 28 U.S.C. § 2255. ECF No. 251.

1 2. After being assigned to the case, undersigned sought an extension of time to
2 respond to review the record and become familiar with the case. ECF No. 254. This Court
3 granted this motion, extending the time to respond to February 5, 2024. ECF No. 255.

4 3. On January 26, 2024, undersigned thereafter moved for an order waiving the
5 attorney client privilege between Fisher and the defense counsel in the case and separately
6 moved to stay the briefing schedule pending receipt of the affidavits. ECF Nos. 258 and 259.
7 The Court granted the motion to stay and partially granted the motion for order deeming
8 attorney client privilege waived, requiring identified defense counsel to provide responsive
9 information by May 6, 2024, and the government to submit its response within thirty days
10 thereafter. ECF Nos. 260 and 261.

11 4. Undersigned counsel has diligently been working on the response to Fisher's
12 Motion, which presents unique circumstances due to Mr. Terry's passing away and the
13 limited ability of other defense counsel to provide information responsive to Fisher's claims.

14 5. Undersigned requests this brief continuance due to a family member's urgent
15 medical situation requiring surgery, for which undersigned must travel out of the
16 jurisdiction as soon as possible. Undersigned seeks only enough time (three additional
17 business days) to be able to complete and finalize the response.

18 6. Undersigned does not make this request for purposes of delay but based on
19 this urgent and unanticipated medical situation.

20 7. Defendant Fisher is in custody and therefore counsel is unable to meet and
21 confer regarding this request. His anticipated release date is July 24, 2038. *See*

22 <https://www.bop.gov/inmateloc/>.

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1 WHEREFORE, the government respectfully requests that the Court grant the
2 motion and extend the time to respond to Fisher's 2255 Motion to June 10, 2024.


3 Dated this 4th day of June, 2024.

4 Respectfully submitted,
5 JASON M. FRIERSON
6 United States Attorney

7 /s/Nadia Ahmed
8 NADIA AHMED
9 Assistant United States Attorney

10 IT IS SO ORDERED:

11 Dated: June 4, 2024

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13 ANDREW P. GORDON
14 UNITED STATES DISTRICT JUDGE
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